

**REMARKS**

Review and reconsideration of the Office Action of July 3, 2003, is respectfully requested in view of the above amendment and following remarks.

The Abstract has been amended in accordance with the Examiner's comments.

The claims have been amended to overcome all of the formalities rejections. Amended claim 22 is supported by previous claims 26 and 27.

Applicants have canceled claims 26 and 27. The claims therefore pending are claims 10-25.

**Office Action**

Turning now to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

**Paragraph 1 (Drawings)**

The Examiner notes that the submitted drawings are acceptable for examination purposes, but that formal drawings will be required when allowable subject matter is indicated.

**Paragraph 2 (Information Disclosure)**

The Examiner notes that Applicants submitted references cited on the International Search report but did not submit an IDS listing these references for the Examiner. The Examiner's position can be found on page 2 of the Office Action.

**Paragraphs 3-5 (Abstract)**

The Examiner notes that the abstract should be in narrative form and limited to a single paragraph less than 150 words.

Applicants appreciate the Examiner's helpful comments and have amended the abstract accordingly. A Replacement Abstract is attached at the end of this document. Entry is respectfully requested. Care has been taken to ensure that no new matter is added.

**Paragraphs 6-10 (Formalities)**

The Examiner objects to claims 17 and 18 for informalities.

Applicants appreciate the Examiner's helpful comments and have amended claims 17 and 18 accordingly. Entry is respectfully requested. Care has been taken to ensure that no new matter is added.

**Paragraphs 11-18 (Formalities)**

The Examiner rejects claims 10-27 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants appreciate the Examiner's helpful comments and have amended the claims accordingly. Amended claim 22 is supported by previous claims 26 and 27. Accordingly, entry of the amendments and withdrawal of the rejections is respectfully requested.

**Paragraphs 19-25 (Obviousness)**

The Examiner rejects claims 10 and 14-21 under 35 U.S.C. 103(a) as being unpatentable over Moore (EP 0 494 749 A1) ("Moore") in view of Johnson (5,638,300) ("Johnson") or Curchod (5,791,351) ("Curchod").

The position of the Examiner can be found on pages 4-6 of the Office Action.

Applicants respectfully traverse.

Applicants respectfully submit that currently amended independent claim 10 (from which claims 14-21 depend), is not rendered obvious over the cited prior art. Applicants have incorporated the term "mechanically independent of each other" into independent claim 10 (and the other independent claim, claim 22) to further clarify the present invention.

Applicants submit that amended claim 10, wherein the measurement value pick-ups are mechanically independent of each other, clearly distinguishes the present invention over the teachings of Moore and Curchod because the teachings of Moore and Curchod are for the measurement pick-ups to be mechanically connected for determining the movement of the golf swing. Thus, Moore and Curchod are based on a totally different measurement concept, namely a mechanical interaction of the pick-ups to determine the movements.

Moore is limited to disclosing a golf swing analysis system based on two measurement value pick-ups being linked together. The sensing operation is depicted in figure 20 and on column 10,

line 42 to column 11, line 37. Basically, the movement of the golfer is detected and displayed. Further, Moore does not teach to compare different swings with each other.

Curchod is limited to disclosing an apparatus for measuring and visually displaying a golf swing. The measurement value pick-ups provided to detect the movement of a golf swing are mechanically coupled to each other in order to provide the necessary information. The movement of the golf swing is detected and displayed in real time. A second golf swing may be displayed concurrently, such that the two different golf swings may be compared on the display (column 2, lines 13-16).

Applicants also submit that the teachings of Johnson do not render the present invention obvious. Johnson teaches a golf swing analysis system in which sensors 6 are placed on the ankles, knees, hips, elbows, and shoulders of a golfer (cf. column 3, lines 27-29), wherein these sensors are adapted to detect an electromagnetic radiation emitted from a radiation source 32 (cf. column 3, lines 63 to 64). The sensors produce signals representing their position and orientation in space (cf. column 4, lines 1 to 3). During a golf swing, each of the sensors worn by the golfer continuously send position signals to a computer coupled to the sensors (cf. column 7, lines 10 to 12). The positions of the sensors are stored in the computer and represent a single frame of position information (column 7, lines 24 to 36). The computer uses the stored position information of the sensors and converts this information into corresponding pixel information to be displayed on a monitor

(cf. column 7, lines 53 to 56), i.e. the pixel information is reconstructed from the stored positional information. If a golfer wants to view his swing, he can choose from different views and the computer transforms the positional information according to the desired view (cf. column 8, lines 45 to 47). The golfer may view all swings stored on the computer, i.e. also swings of other golfers. The selected stored swing and the current swing are displayed side-by-side on a monitor (cf. column 9, lines 62 to 64). According to the teaching of Johnson, no comparison is performed between the stored swing and the current swing; the two swings are merely displayed side-by-side.

Accordingly, even if a person skilled in the art would combine the teachings of Johnson and Curchod, this would not lead to the subject matter of amended claim 10, because both teachings relate to displaying two different golf swings concurrently, such that the observer can compare the different swings on the display. Additionally, it is not clear whether a person skilled in the art would choose mechanically connected pick-ups as in Curchod or mechanically independent pick-ups as in Johnson.

In contrast, the subject matter of amended claim 10 is related to detecting the movement of the golf swing from mechanically independent pick-ups and forwarding this information to a data processing apparatus, comparing recorded measurement value data to measured value comparative data (e.g. of other golf swings) and representing measurement results on a

display device, such that the observer can recognize the quality of the golf swing.

The Examiner rejects claims 11-13 under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Johnson or Curchod, further in view of Linial et al. (4,665,928) ("Linial").

In accordance with the above remarks and amendments regarding claim 10, Applicants respectfully submit that claims 11-13 are novel in view of their dependency with novel claim 10. Thus, Applicants respectfully request that the Examiner remove the rejection regarding claims 11-13 and find them allowable.

The Examiner rejects claim 23 under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Linial.

In accordance with the above remarks and amendments regarding claim 10, Applicants respectfully submit that claim 23 is novel in view of its dependency with novel claim 10. Thus, Applicants respectfully request that the Examiner remove the rejection regarding claim 23 and find it allowable.

Accordingly, withdrawal of the rejections is respectfully requested.

**Paragraph 26 (Anticipation)**

The Examiner rejects claims 22 and 24-27 under 35 U.S.C. 102(b) as being anticipated by Moore. The position of the Examiner can be found on page 6 of the Office Action.

Applicants respectfully traverse.

Applicants respectfully submit that amended claim 22 renders the Examiner's rejection moot. Further, the above

remarks and amendments regarding claim 10 are incorporated herein regarding the Examiner's rejection of independent claim 22 and dependent claims 24-25 (Applicants have cancelled claims 26 and 27). Applicants respectfully submit that claims 24-25 are novel in view of their dependency with novel claim 22. Thus, Applicants respectfully request that the Examiner remove the rejection regarding claims 22 and 24-25 and find them allowable.

Accordingly, withdrawal of the rejections is respectfully requested.

**Paragraph 27 (Non-Applied References)**


The Examiner cites, but does not apply, several references, which are merely considered to show the state of the art. Applicants have no further comments.

Accordingly, withdrawal of the rejections is respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

PENDORF & CUTLIFF  
5111 Memorial Highway  
Tampa, FL 33634-7356  
(813) 886-6085

Respectfully submitted,

  
Michael J. Bootcheck  
Registration No. 52,636

Date: **December 3, 2003**